App. F. IX-4

Previous References

Later References

193 . (Muzrai)

File No. 230-31

Serial Nos. 1 & 2.

General and Revenue Secretariat.

Serial Nos. 2

Part B for April 1932 -

SUBJECT.

~~Letter from the Muzrai Comm~~ Re obtaining ~~matter of obtaining~~ a revised mutchalika from the Labbey road merchants resorting to the mosque on the Mysore Road Bangalore City etc in view of the violation made in the construction of the

---

No. 1418-20/Muz- dt 7-4 1932.

To The Muzrai Commr. in Mysore

" President, City Municl: Council, Bangalore,

" D. C. & Dt: Magte. Bangalore

Approves of the Recommendation of the Muzrai Commr in the above matter subject to certain Conditions.

General and Revenue Secretariat — Mesq File No. 230 of 1931-2

Serial No.	
1	Letter No 383/22-239 1.12.1931 from the Municipal Commissioner forwarding copy of Bangalore - Nagar Commissioner's letter No C3/1504 of 25.26 & 17-8-31 in the matter of obtaining a revised Muthavalike from the Labbay Mahomedan Merchants restoring the Mosque on the Mysore Road Bangalore City and requesting approval to the proposals made therein in view of the violation made in the Construction of the Mosque —

(a copy of which is found in Mesq 1352-21-30) is not in the Vernacular received from the M.C. It is not clear why this as well as the D.C's letter of 12.9.30 are not sent with these records for perusal.

Before according approval to proposal detailed in para 3, it is perhaps necessary to know who are the trustees & to direct the Construction Contrary to conditions laid down by Govt. As records are imperfect, it is not clear that it is not possible to fix the exact with records

Fl. Secy) 15.12.31

4805/16

9-5 16/12

NOTE—Contn. Sheet.

WD170—GBPM—60,000—13-8-31

File No. 230 of 193 1/2 | General and Revenue Secretariat

I think that the M.C's proposals may be approved with the observations made by him in para 4 of the letter

2nd member) 31/1/32

The P.W.D. should show what the subjects should be dropped in a précis to put up

4.1.32

A brief note is submitted (Flagged)

Please see the note typed & put up.
If there is a sketch in the file it may be flagged

AAG 11/2

Typed note submitted — The sketch is requested

The sketch furnished by Sri Amidon on 5/12/31 is flagged

7/2

(1st Secy) 18/2

(2nd Member) 18/2

16/2

BCD 17/2

The MC's recommendation - with the Corrections mentioned by him which have yet to be Carried out - May be approved

20/3/32

2/3

General and Revenue Secretariat — File No. 230 of 193 1-2

Serial No.

The form 9 D.H. adopted may very kindly be allowed as a spl case in this particular instance as it is feared that [illegible] raised by the m.c. may be lost right of appeal for want of

Cf 28/3 (Fm. Secy)

For approval 29/3/32

30/3

31/3

2. Order No. 1418-20/Rev 230-31-2 of 7th April 1932 to the Ex.C, the President Cf. Del. Council & the D.C Bangalore (Ssd)

Observe examine & bring up with papers

Marked & closed

Cs 19/4

NOTE—Contn Sheet.

WD 0255—G PB—50,00

Sanction was accorded in G.O.No.2990-3/Muz. 7-281-11 dated 11th June 1917 for the construction of a mosque at New Tharagupet, Bangalore City, for Labbey merchants, and the Deputy Commissioner was asked to grant the required permission after obtaining a mutchalika from the leading members of the community binding themselves to the following conditions:——

(1) That a lane at least six feet wide should be left to the east of the site connecting the Mysore Road and the Timber yards street allowing free access to pedestrians of all communities at all times.

(2) That there should be walls on both sides of the lane, and the door way giving the only access to the Masjid should open into this lane.

(3) That a line of shops at least 20 feet deep should be constructed separating the masjid ground from the Mysore Road.

(4) That there should be no dome or Minarets built over the shops.

(5) That between the shops and the masjid proper there should be a space of at least 30 feet in which may be placed the water ~~tank~~ (cistern)

(6) That no dead body should be taken to the mosque for consecration, and that if there should ~~any~~ be any death on the premises the body should be removed outside the masjid for burial.

(7) That no objection should at any time be raised to the construction of any temple or other place of public worship or utility in the vicinity.

(8) That no claim shall at any time be put forward to the stoppage of music by processions of all sorts moving along the Mysore Road or Timber yard street.

(9) That a substantial stone slab with a suitable inscription in Kannada and Hindustani showing the year of construction and the substance of the conditions 6, 7 and 8 as approved should be ~~fixed~~ built into the wall of the Masjid at a conspicuous position at the cost of the applicants.

Later on, on a review petition presented by the Lubbey Merchants, the above mentioned 9th condition was modified in para 2 of G.O.No.778-81/Muz. F.556-17-4 dated 5th September 1918 insisting only on the year of construction being indicated on the slabs in Urdu and Kannada. Again on 16th August 1921, some of the leading Lubbey Merchants petitioned that they were promised to be given an equal extent of land on the northern side of the site equivalent to the space to be left vacant as a lane on the eastern side; while in fact they had already encroached on the Mysore Road as also on the Northern side of the site for the intended construction of the masjid (Vide Flag S, the Municipal Resolution in Muz 135-21-14). The encroached land on the northern side was finally settled to be sold to them at Rs.5 per sq. yard. As regards the exchange of land for the lane, it is seen from the joint report of the Deputy Commissioner and the President, Bangalore Municipal Council that they had not left a lane at least 6 feet wide open throughout, that no more land than what had been enclosed already by a wall by the merchants could be granted as exchange for the lane to be kept open, that they were told to remove the cross wall at the northern end and leave the lane quite open from one end to the other removing all materials heaped thereon and to be satisfied with the land measuring 10,81 sq. yards which they had already ~~encroached~~ enclosed in exchange. ~~The~~ for the land covered by the said lane. This was approved-(Vide G.O.No.5996-6/Muz.135-21-14 dated 27th April 1922.) The Mutchalika obtained from them is flagged H. On a perusal of a report of all the conditions specified in the orders

~~in the orders~~ issued from time to time were complied with by the Lubbay merchants (Vide Muzrai Commissioner's report of 24th July 1925) it is seen that conditions No.2 and 9 were not complied with.

Muzrai
35-21-21

The Muzrai Commissioner was asked to issue necessary instructions to the Deputy Commissioner for enforcing the due fulfilment of several conditions. A verandah in the open space of 30 feet between shops and the masjid proper has been built and this is contrary to condition No.5 and yet this has been allowed from the point of view of sanitation (Vide Municipal Commissioner's letter of 20th September 1928)--copy of report of the Bangalore Deputy Commissioner received from Muzrai Commissioner with his letter of 19th September 1930 showed that all conditions imposed were duly fulfilled. Thereon the Muzrai Commissioner was asked in this office letter of 11th November 1930 to obtain a revised Mutchalika embodying all the conditions imposed at the time of ~~xxxx~~ according sanction to the construction of the Masjid from the Mahomedan merchants who resort to the mosque for prayer. In reply the Muzrai Commissioner reports upon the several deviations in structure as in P.U.D. and requests approval to certain proposals. (Vide P.U.D.)

M. C. 13]

No. 383/22-23
Evels 1+1 file

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

GEN( ) 563.
DEC 1931

Dated, Bangalore, 31st Nov ..ber ..1931

Muz 230-31-1 1/12

FROM

S. HIRIANNAIYA, ESQ,. M.A., B.L.,
Muzrai Commissioner in Mysore.

To

Rajasevaraka
D. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore.
Financial *Department.*

SIR,

With reference to your letter [illegible] the 11th November 1930 [illegible] be obtained from the Commandant [illegible] Mysore or the Mysore Road, Bangalore City, I [illegible] that the Deputy Commissioner [illegible] reports that, on his [illegible] in Government Order [illegible] been devised from and that [illegible] Kutcholika, to [illegible] execute the [illegible] of the building site [illegible] under which [illegible] taken accordingly.

2. [illegible] line on the [illegible] either side, [illegible] the road, to [illegible] Tiruvarangal [illegible]

[illegible] side of the [illegible] in to the Mysore Road and the - - Timber yard road. Condition 5 is violated, because between the [illegible] Road and the house, the space which should have been left open has been partly covered over by Terraced and Bangalore -- tiled [illegible] only two feet from each.

6. The [illegible] for the report of the Sub ---- [illegible] dated 19th January 1950 that all the conditions had been fulfilled [illegible] in the Sub having the power of the ----- [illegible], to [illegible] by Sanction one's report to [illegible] G.382/[illegible]-35 dated 19th --- Flag S (V. [illegible] 135-2E [illegible] 1950 [illegible]. While it would be necessary in the ----- [illegible] to [illegible] Government and the open defiance with [illegible] made, contrary to the Mutchalika -- [illegible], to enforce strict ----- [illegible] by Government, I would, in view of the [illegible] the Masjid authorities ~~to~~ permit the [illegible] between the shops and the [illegible] in contravention of condition 5, as it is not --- likely to [illegible] any trouble, provided the Masjid authorities [illegible] to the Corporation any interest on the land at any future time. As regards condition 2, I recommend that the minarets on the ----- [illegible] may be allowed to stand, since the devotees are ---- [illegible] to attend to non-storage of music in front of the mosque, but the Masjid side of the lane should be walled up to about 10 feet height, leaving only one doorway passage into the lane as per condition laid down [illegible] the stone tablet now put up on the door towards the Mysore Road should be removed and put on the entry into the Masjid opening into the lane. The gates now put up at either end of the lane have also to be removed to allow free access to pedestrains of all communities at all times as contemplated in condition 1. I request the approval of Government to the above proposals.

4. It is very unsatisfactory that the local officers were not vigilant and did not take steps in time to prevent elaborate constructions in ------ violation of the conditions imposed by Government.

5. Copy of the Deputy Commissioner's letter No.C.3/1501/2[illegible]-26 dated 17th August 1931 along with vernacular records received therewith is herewith submitted for kind perusal.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Letter No.C3-1501/25-26 dated 17th August 1931 from the Deputy - Commissioner, Bangalore District to the Muzrai Commissioner in Mysore.

With reference to correspondence ending with your Memo No.383/22-23 dated 19th November 1930, forwarding copy of letter No.1091/Muz.520-29-4 dated 11th November 1930 from the Secretary to Government of Mysore Law Department, about the construction of the Labbai Merchants' Mosque at New Tharagupet, Bangalore, calling for the submission of a revised -- mutchalika, as per conditions of the Government Order of 1917, I have the honor to state that on personal inspection of the mosque in question I found that the conditions Nos. 1 and 5 laid down in the G.O.referred to above have been deviated from in so far that the lane contemplated in condition No.1 has been provided with door ways on either side and free access has thus been cut off and 2ndly that between the shops on the Mysore Road and the Masjid, there should have been an open space of at least 30 feet in which the water cistern had to be placed as per -- condition No.5 of the Government Order of 1917, but this space of 30 feet has been built over partly by a terraced roof and partly by a mangalore tiled sloping roof.

When called upon to execute a revised mutchalika, as required in your Memo under reply, the Mohamedan merchants of Tharagupet are reported to have stated that they are prepared to execute the mutchalika as per the altered conditions of the building as it is at present but not according to the conditions laid down in the Government Order referred to above.

Under these circumstances, I think that the changes made may be recognised and a mutchalika ordered to be obtained according to the -- altered conditions of the building. On receipt of orders from you the mutchalika in question will be obtained from the parties concerned and forwarded to you as called for.

The entire file of vernacular records connected with the case is submitted herewith for your reference.

"C o p y"

For Muzrai Commissioner.

.R.S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue ..... 193 .

Signed by .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section

File No.

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Correspondence ending with the following letter no 383/22-23 dt 1-12-31 from the M-C in the matter of obtaining a revised Muthalika from the Mahomedan Merchants ~~Order thereon.—No.~~ resolving in the Mosque outside Mysore Road Bangalore City

(Here enter letter in Cc (issued) (Omitting press)

Order no — dt

The recommendation is approved subject to the M-C bearing the cost of

certi

Which have

Yes to be Carried out ~~is stopped~~

29/3/37 or See below

30/3

To

The M.C Urban areas

The Pd. city Mal Cl- Bangalore

DC. Hallagte, Bangalore

List of Enclosure

Copied by

Examined by

WD 73—GBPM—20,000—10-8-31.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:—

Correspondence ending with the following letter No.383/22-23 dated 1-12-1931 from the Muzrai Commissioner in the matter of obtaining a revised Mutchalika from the Mahomedan merchants resorting to the Mosque on the Mysore Road, Bangalore City.

"With reference to your letter No. 1091/Muz. 135-21-31 dated the 11th November 1930 requesting that a revised mutchalika may be obtained from the Mohammedan merchants resorting to the ~~Mosque, on the~~ Mosque on the Mysore Road, Bangalore City, I have the honor to state that the Deputy Commissioner who was written to in the matter reports that, on inspection, he found conditions Nos. 1 & 5 laid down in G.O.No.2990-3/Muz. 281-11 dated 11th June 1917 had been deviated from and that when called upon to execute a revised mutchalika, the Labbe merchants stated that they were prepared to execute the mutchalika only in accordance with the altered conditions of the building as it now stands, and not according to the conditions under which the construction was permitted. The Deputy Commissioner thinks that the altered -- conditions may be recognized and mutchalika taken accordingly.

2. Conditions 1 & 2 have been deviated from in so far as the lane contemplated has been walled up and provided with door ways on either side, and no wall has been put up as per condition 2 towards the Masjid, so that the lane has been practically made a part of the masjid and the free access said to be allowed to the public is but nominal, and that the main entrance to the mosque as it now stands is really from the Mysore Road and a -- second one from the Timber yard road. What is more, minarets

have been built on, on either side of the gates opening into the Mysore Road and the Timber yard road. Condition 5 is violated, because between the shops on the Mysore Road and the Mosque, the space which should have been left open has been partly covered over by terraced and Mangalore tiled roof leaving only the water cistern open.

3. I do not see any justification for the report of the Sub Division Officer dated 29th August 1930 that all the conditions had been fulfilled except putting the slab noting the year of the construction, on which report the Deputy Commissioner's report to this office and my report to Government No. 382/22-23 dated 19th September 1930 were based. While it would be necessary in the interests of the position of Government and the open defiance with which these deviations have been made, contrary to the mutchalika given by the important men of the community, to enforce strict adherence to the conditions laid by Government, I would, in view of the heavy expenditure incurred by the Masjid authorities permit the continuance of the verandah and roofing between the shops and the masjid constructed in contravention of condition 5, as it is not likely to give occasion to any trouble, provided the masjid authorities agree to claim no proprietory interest on the land at any future time. As regards conditions 1 and 2, I recommend that the Minarets on the present gate-ways may be allowed to stand, since the devotees are prepared to agree to non-stoppage of music in front of the mosque, but the Muszid side of the lane should be walled up

to about 10 feet height, leaving only one doorway passage into the lane as per condition laid down and the stone tablet now put up on the dome towards the Mysore Road should be removed and put on the entry into the Masjid opening into the lane. The gates now put ~~xxx~~ up at either end of the lane have also to be removed to allow free access to pedestrians of all communities at all times as contemplated in condition 1. I request the approval of Government to the above proposals.

4. It is very unsatisfactory that the local officers were not vigilant and did not take steps in time to prevent elaborate constructions in violation of the conditions imposed by Government.

O r d e r, No. 1418-20/Muzrai 230-31-2

Dated, Bangalore the 7th April 1932.

The recommendation of the Muzrai Commissioner is approved subject to the conditions specified by him which have yet to be carried out.

B Muthanna

Financial Secretary to Government.

To

The Muzrai Commissioner in Mysore with records.

The President City Municipal Council, Bangalore.

The Deputy Commissioner and District Magistrate, Bangalore.

TD.